

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

DONNA CORBELLO

Plaintiff(s),

vs.

THOMAS GAETANO DEVITO, et. al.,

Defendant(s),

CASE NO: 2:08-CV-0867-RCJ-PAL

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VERDICT

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONNA CORBELLO,

Plaintiff,

vs.

THOMAS GAETANO DEVITO et al.,

Defendants.

2:08-cv-00867-RCJ-PAL

VERDICT FORM

WE THE JURY, having fully deliberated in this matter, have reached a unanimous verdict as to Plaintiff's claims against Defendants and Defendants' affirmative defenses, as follows:

1. Did Tommy DeVito grant Defendants an implied license to use the unpublished autobiography *Tommy DeVito — Then and Now* in the creation of the *Jersey Boys* play?

Yes _____ No ☒

If you answered "Yes" to Question 1, STOP, have the Presiding Juror sign and date this Verdict Form, and notify the bailiff that you have reached a verdict (do not tell the bailiff what the verdict is). Otherwise, continue to Question 2.

2. Does the play *Jersey Boys* infringe Plaintiff Donna Corbello's copyright in the unpublished autobiography *Tommy DeVito — Then and Now*?

Yes ☒ No _____

If you answered "No" to Question 2, STOP, have the Presiding Juror sign and date this Verdict Form, and notify the bailiff that you have reached a verdict (do not tell the bailiff what the verdict is). Otherwise, continue to Question 3.

3. Did the use, if any, of the unpublished autobiography *Tommy DeVito — Then and Now* in the play *Jersey Boys* constitute fair use?

Yes _____ No ✓

If you answered "Yes" to Question 3, STOP, have the Presiding Juror sign and date this Verdict Form, and notify the bailiff that you have reached a verdict (do not tell the bailiff what the verdict is). Otherwise, continue to Question 4.

4. What percentage of the success of the play *Jersey Boys* is attributable to infringement of the unpublished autobiography *Tommy DeVito — Then and Now*?

10 %

5. Which Defendants are liable for the infringement you found in Question 3? Select all that apply using an "X" in the appropriate place(s).

	Direct Infringement	Vicarious Infringement	Contributory Infringement
Michael S. David	<u>X</u>	<u>X</u>	
Marshall S. Brickman	<u>X</u>		
Eric S. Elice	<u>X</u>		
Des McNuff	<u>X</u>		
DSHT, Inc.	<u>X</u>		
Dodger Theatricals, Ltd.	<u>X</u>		
Jersey Boys Broadway Limited Partnership	<u>X</u>		
JB Viva Vegas	<u>X</u>		
Skunk, Inc	<u>X</u>		
Getting Home, Inc	<u>X</u>		

Have the Presiding Juror sign and date this Verdict Form, and notify the bailiff that you have reached a verdict (do not tell the bailiff what the verdict is).

Dated this 28 day of November, 2016.

PRESIDING JUROR